

# CURRICULUM VITAE

University of Idaho

**NAME:** Rumel, John

**DATE:** January 20, 2025

**RANK OR TITLE:** Full Professor

**DEPARTMENT:** College of Law

**OFFICE LOCATION AND CAMPUS ZIP:**

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**DATE OF FIRST EMPLOYMENT AT UI:** July 1, 2011

**DATE OF TENURE:** August 14, 2016

**DATE OF PRESENT RANK OR TITLE:** August 13, 2018

## **EDUCATION BEYOND HIGH SCHOOL:**

### **Degrees:**

J.D., 1981, University of California, Hastings College of Law (now University of California College of Law San Francisco)

Note Editor, Hastings Constitutional Law Quarterly

Judicial Extern to Justice Jerome Smith, California Court of Appeals, First Appellate District, 1066 Club Scholarship

B.A., 1977, University of California Santa Cruz

Double Major: History and Politics

Graduated with Honors in History; Honors on the Oral Comprehensive Exams in History and in Politics

### **Certificates and Licenses:**

Idaho State Bar # 4735 (active status)

California State Bar # 100172 (inactive status)

## **EXPERIENCE:**

### **Teaching Appointments:**

#### **Full-time Tenured or Tenure Track Appointments**

Professor, University of Idaho College of Law, 2018-Present

Associate Professor, University of Idaho College of Law, 2011-2018

### **Other Appointments**

Visiting Professor of Law, University of San Francisco School of Law, 2024-2025

Adjunct Faculty Member, Gonzaga University School of Law, Summer semester 2021

Adjunct Faculty Member, University of Idaho College of Law, Fall semester 2010, Spring semester 2009 and Fall and Spring semesters 2007-2008

Affiliate Associate Professor of Educational Administration, University of Idaho College of Graduate Studies and College of Education, Department of Educational Administration, Spring semester 2005

Visiting Associate and Visiting Assistant Professor of Law, Santa Clara University School of Law, 1990 – 1993

Adjunct Faculty Member, San Francisco Law School, 1989-1991

Instructor, University of California Hastings College of Law (now University of California College of Law, San Francisco), 1986-1989

### **Academic Administrative Appointments:**

University of Idaho College of Law Faculty Representative, Gonzaga University School of Law Summer in Florence (Italy) Program, 2021

Director, Institute of International and Comparative Law, Santa Clara University School of Law, Hong Kong and Singapore Summer Programs, 1991 and 1993

### **Non-Academic Employment:**

General Counsel, Idaho Education Association, September 1995-June 2011: Advised state teachers' union and its members and locals concerning education-related employment, labor and certification matters; initiate and defend administrative proceedings, litigation and appeals in those subject areas

Attorney, Stoel Rives Boley Jones & Grey, December 1993 to August 1995: Specialized in complex litigation and appeals in state and federal court with emphasis on education, employment, professional liability, and product liability matters

Attorney, Broad Schulz Larson & Wineberg, December 1985 to July 1990 (Partner: July 1989 to July 1990; Associate: December 1985 to June 1989): Specialized in complex commercial and civil litigation in federal court with an emphasis on antitrust actions

Attorney, Berliner, Cohen & Biagini, September 1983 to November 1985: Specialized in general civil litigation in state and federal courts with an emphasis on commercial and real property matters

Judicial Law Clerk to the Honorable William T. Sweigert, Senior United States District Judge and Honorable Robert P. Aguilar, United States District Judge, United States District Court, Northern District of California, September 1981 to May 1983

**Amicus Curiae and Consulting:**

Appeared as one of Amicus Curiae Idaho State Law Scholars in support of plaintiffs' appeal from district court decision case, which raised state constitutional challenges to Idaho's public defender system, on prudential mootness grounds in *Tucker v. State of Idaho*, Idaho Supreme Court Docket No. 51631-2024 (October 2024)

Drafted Amicus Curiae Brief for Idaho Trial Lawyers Association Foundation in support of plaintiffs concerning accuracy of supplemental jury instructions regarding proof of reckless misconduct and right to full recovery of non-economic damages in medical malpractice action in *Stiefel et al. v. Shiflett, MD and Emergency Medicine of Idaho, P.A.*, Idaho Supreme Court Docket No. 50990-2023 (August 2024)

Drafted Amicus Curiae Brief for Idaho Trial Lawyers Association Foundation in support of plaintiffs concerning their challenge based on public policy grounds to restriction on Underinsured Motorist coverage in *Lanningham v. Farm Bureau Mutual Insurance Co. of Idaho*, Idaho Supreme Court Docket No. 50441-2023, 2024 WL 3281976 (July 3, 2024)

Drafted Amicus Curiae Brief for Idaho Trial Lawyers Association Foundation in support of plaintiffs concerning certified question before the Idaho Supreme Court regarding proper approach for resolving a motion to amend to add a prayer for relief for punitive damages under Idaho Code Section 6-1604(2) in *Davis v. Blast Properties, Inc.*, Idaho Supreme Court Docket No. 50491-2023, 2024 WL 3188837 (June 27, 2024)

Drafted Amicus Curiae Brief for National Whistleblower Center in support of plaintiff-appellant in public sector employee whistleblower case, *Eller v. Idaho State Police*, 165 Idaho 147, 443 P.3d 161 (2019)

Served as a summarization witness for plaintiffs concerning voluminous documents in civil case involving child abuse in *John Does v. Boy Scouts of America*, District of Idaho, Case No. 1:13-cv-00275-BLW, 2019 WL 2448318 (D. Idaho June 11, 2019)

Drafted Amicus Curiae Brief for Idaho Education Association in support of Idaho Attorney General's attempt to obtain writ of prohibition seeking to prevent Idaho Director of lands from executing below market rate leases in violation of Idaho Constitution and to the detriment of public land trust recipient, the Idaho public schools in *Wasden ex rel. State v. Idaho State Board of Land Com'rs*, 150 Idaho 547, 249 P.3d 346 (2010)

Drafted Amicus Curiae Brief for Idaho Education Association in support of defendants-respondents teacher and school district concerning duty under Idaho statutory provision regarding recognizing student suicidal tendencies in *Carrier v. Lake Pend Oreille School Dist.*, 142 Idaho 804, 134 P.3d 655 (2006)

## **TEACHING ACCOMPLISHMENTS:**

### **Areas of Specialization:**

Education Law, Employment and Labor Law, Evidence, Civil Procedure and Remedies

### **Courses Taught (and services as a Visiting Professor):**

University of Idaho College of Law

Education Law, Law 853 -- Spring 2009, 2013, 2014 and 2023, Summer 2015, Fall 2016, 2018 and 2020

Introduction to Law of the Workplace, Law 908 -- Fall 2007, 2010, 2014, 2015 and 2022 and Spring 2008, 2017, 2018, 2019, 2021, 2022 and 2024

Evidence, Law 950 – Fall 2011, 2012, 2013, 2014, 2015, 2020, 2021, 2022 and 2023 and Spring 2017, 2018, 2019 and 2020 and Summer 2019, 2020, 2022, 2023 and 2024

Introduction to Law and Procedure, Law 805 – Fall 2011, 2012, 2013, 2018, 2021 and 2023  
Procedure II, Law 806 – Spring 2012, 2013, 2014, 2020, 2022 and 2023

Remedies, Law 952 -- Spring 2015, 2016, 2021 and 2024 and Fall 2017

Lawyering Process, Law 971 -- Spring 2015 and 2016 and Fall 2016 and 2017

University of Idaho, College of Graduate Studies and College of Education, Department of Educational Administration, Ethics and Law of Higher Education, EDAD 527, Spring 2005

University of San Francisco School of Law

Civil Procedure I, Fall 2024

Education Law, Fall 2024

Civil Procedure II, Spring 2025

Employment Discrimination, Spring 2025

Served as a judge in the School of Law's Advanced Moot Court Competition, Fall 2024

Participated as a faculty presenter during the School of Law's Orientation program for first year and other entering students, Fall 2024

Gonzaga University School of Law

Comparative Employment and Labor Law, Summer 2021

Santa Clara University School of Law

Civil Procedure, Fall and Spring 1990-1993

Remedies, Fall 1990-1992

Constitutional Law, Fall 1991

Upper Division Legal Writing and Analysis, Spring 1991 and 1992

San Francisco Law School  
Remedies, Fall and Spring 1989-1991

University of California, Hastings College of Law (now University of California College of Law San Francisco)  
Legal Writing and Research, Fall and Spring 1986-1989

### **Students Advised:**

#### **Student Groups and Teams:**

Faculty Advisor to the Idaho Law Review Editorial Staff on the 2016 Symposium Edition on Equality in Employment

Faculty Advisor to the College of Law Idaho Trial Lawyers Association Student organization, 2014-Present

Faculty Advisor to the College of Law Law Students for Appropriate Dispute Resolution (“LSADR”) organization, 2013-2014 and 2020-Present

Faculty Coach to the College of Law Tulane Pro Football Negotiation Competition Team, Tulane University Law School, 2020

Faculty Coach to the College of Law Jerome Prince Memorial Evidence Moot Court Team, 2012 – 2017

Faculty Coach to the College of Law National Latina/o Law Students Association Moot Court Team, 2012, 2014, 2015 and 2016

Faculty Coach/Advisor to the College of Law’s American Bar Association Section of Dispute Resolution Negotiation Team, 2013-2014

Faculty Coach to the College of Law’s American Bar Association Section of Dispute Resolution Representation in Mediation Team, 2013-2014

Faculty Advisor to the College of Law Law Democrats, 2011-2013

#### **Individual Students:**

Unless law professors are involved in interdisciplinary work, they typically do not advise graduate or professional school students in the sense of serving as a major professor, Masters or Ph.D. committee member. However, from Fall 2011 to the present (and prior to that when I was an adjunct faculty member), I have advised numerous College of Law students as an assigned mentor and have advised and supervised numerous other College of Law students concerning satisfying writing requirements in regards to the College of Law’s Upper Division Writing Requirement, the Idaho Law Review’s writing requirement, and the Litigation and Alternative Dispute Resolution emphasis area’s writing requirement.

#### **Courses Developed:**

Although Education Law may have been taught previously at the College of Law by another adjunct faculty member, I developed – first as an adjunct and then as a full-time, tenure-track professor – an Education Law course which focuses primarily on K-12 education. The course introduces students to the legal and policy issues that arise in the K-12 setting and prepares students to effectively practice law in that area.

As part of a joint agreement between Gonzaga University School of Law and the University of Idaho College of Law relating to Gonzaga Law's Summer in Florence (Italy) program, I developed a Comparative Employment and Labor Law course. The course focuses on substantive workplace law issues in three countries – the United States, Italy and Vietnam – representative of the common law, civil law and socialist/communist law traditions. In addition, the course explores the use of alternative dispute resolution mechanisms in each of those countries.

### **Honors and Awards:**

#### **General**

2015 Distinguished Lawyer Award (given by the Idaho State Bar “to an attorney (or attorneys) each year who has distinguished the profession through exemplary conduct and many years of dedicated service to the profession and to Idaho citizens”)

#### **University or College of Law**

2023 University of Idaho Alumni Award for Excellence, Inspirational Mentor (nominated by College of Law student Colin Fenello)

2016 Outstanding Faculty Member, College of Law -- Boise Campus (voted on by Boise campus students and given “in recognition of exceptional service to students and excellence in education”)

2015 University of Idaho Alumni Award for Excellence, Inspirational Mentor (nominated by College of Law student Pat Fackrell)

2014 University of Idaho Alumni Award for Excellence, Inspirational Mentor (nominated by College of Law student Alayne Randall)

2012 University of Idaho Alumni Award for Excellence, Inspirational Mentor (nominated by College of Law student Jaelyn Hovda)

### **SCHOLARSHIP ACCOMPLISHMENTS:**

#### **Publications:**

##### **Law Reviews and Journal**

##### **--Articles**

*Let's Get Critical: The Rights and Obligations of School District Stakeholders under State Laws Limiting or Banning Discussion of Critical Race Theory in K-12 Classrooms*, 2024 B.Y.U. Educ. & L. J. 33 (peer reviewed publication)

*Has the Idaho Supreme Court Wrongly Limited Wrongful Discharge in Contravention of Public Policy Claims?* 59 Idaho L. Rev. 263 (2023)

*Promises Made, Promises Broken: The Anatomy of Idaho's School Funding Litigation*, 57 Idaho L. Rev. 381 (2021) (selected as a finalist for the Education Law Association's 2023 Steven S. Goldberg Award for Distinguished Scholarship in Education Law)

*Beyond Abercrombie and Heffernan: Toward a Uniform Approach to Discrimination and Retaliation Claims Based on Misperception Theory in the Employment Context*, 24 Employee Rts. & Emp. Pol'y J. 189 (2020) (peer reviewed publication)

*Statewide and Local Teacher Strikes Since Spring 2018: A Comparative Analysis*, 374 Ed. Law Rptr. 24 (2020)

*If You Leave Me Now ...? – The Family and Medical Leave Act in the K-12 School Context*, 358 Ed. Law Rptr. 741 (2018)

*Public Employment Law: Answering the Unanswered and Related Questions in Lane v. Franks*, 34 Hofstra Lab. & Emp. L.J. 243 (2017), concise, practical version republished in 34 Illinois Public Employee Relations Reporter 3 (2017)

*Regulation of Teacher Certification in Idaho: Proceedings before Idaho's Professional Standards Commission Concerning the Denial of an Application for or Action against a Teaching Certificate*, 53 Idaho L. Rev. 527 (2017)

*Beyond Nexus: A Framework for Evaluating K-12 Teacher Off-Duty Conduct and Speech in Adverse Employment and Licensure Proceedings*, 83 U. Cin. L. Rev. 685 (2015)

*Toward an "Unqualified" Otherwise Qualified Standard: Job Prerequisites and Reasonable Accommodation under the Americans with Disabilities Act*, 18 Employee Rts. & Emp. Pol'y J. 35 (2014) (peer reviewed publication)

*Back to the Future: The In Loco Parentis Doctrine and Its Impact on Whether K-12 Schools and Teachers Owe a Fiduciary Duty to Students*, 46 Indiana L. Rev. 711 (2013)

*Federal Disability Discrimination Law and the Toxic Workplace: A Critique of ADA and Section 504 Case Law Addressing Impairments Caused or Exacerbated by the Work Environment*, 51 Santa Clara L. Rev. 515 (2011).

*A Question of Fairness: The Proper Standard of Review of School Board Just and Reasonable Cause Determinations in Teacher Termination Proceedings in Idaho*, 41 Idaho L. Rev. 263 (2005)

*The Hourglass and Due Process: The Propriety of Time Limits on Civil Trials*, 26 U.S.F.L. Rev. 237 (1992)

*Post-Trial Motions in Private Antitrust Actions: A Practitioner's Guide*, 10 Rev. Litig. 25 (1990)

**--Essays**

*Eller v. ISP and the State of Whistleblower Protections in Idaho*, Idaho Law Review Spotlight Practitioner Comment, Vol. 1, Issue 6 (2021)

*A Tribute to Professor Monique Lillard, University of Idaho College of Law Faculty Tribute Essays*, 56 Idaho L. Rev. 593, 637-40 (2020)

**Book Chapter**

*Federal Antidiscrimination Law*, Chapter 5, Administrators' Guide to Employment Law and Personnel Management in Schools (Mark Paige and Adam Ross Nelson, Eds.) Education Law Association, Cleveland, OH (2018)

**Book Supplement**

*2022 Supplemental Update to Summary of Idaho Termination Law*, co-authored with University of Idaho College of Law student Susan Hunt, supplementing Summary of Idaho Termination, Prof. Monique C. Lillard, Idaho State Bar, Boise, ID (2016)

**Professional Magazine Articles****Law**

*The Right to Jury Trial in Idaho Civil Cases: Origins, Purpose, and Selected Applications*, 65 - May Advocate (Idaho) 26 (2022)

*Avoiding These Eleven Common Evidentiary Mistakes*, co-authored with Tim Gresback, JD, 60 - October Advocate (Idaho) 37 (2017)

*From Agency to Zattiero – The Effect of School Board Policy*, 47- May Advocate (Idaho) 15 (2004)

**Education**

*Legal Challenges and Mask Mandates in K-12 Schools*, co-authored with Suzanne Eckes, Ph.D., in the Legal Matters Section of the April 2022 Issue of Principal Leadership magazine

*Retaliation Claims involving School Personnel under Federal Employment Law*, co-authored with Suzanne Eckes, Ph.D., in the Legal Matters Section of the November 2017 Issue of Principal Leadership magazine

*Dealing with ADA Employment Issues*, co-authored with Suzanne Eckes, Ph.D., in the Legal Matters Section of the May 2016 Issue of Principal Leadership magazine



**Presentations and Professional Meeting Papers and Workshops:****Presentations and Professional Meetings:**

*Teaching (Education) Law in a Time of Significant Legal Change*, Panelist, Education Law Section and Teaching Methods Section (co-sponsors), Presentation, Association of American Law Schools Annual Meeting, January 8-11, 2025, San Francisco, CA

*Recent State Law Decisions Concerning Adverse Employment Action (Including Discharge, Nonrenewal, Suspension, Reprimand and Probation) under Just Cause Provisions Involving Teachers and Other Educators in the K-12 Setting*, Concurrent Session Paper Presentation, 2024 Education Law Association Annual Conference, November 6-9, 2024, Orlando, FL

*Idaho Evidence Essentials: Practical Skills and Powerful Techniques – Applying Ethics Rules to Evidence*, NBI Live On-Line Seminar, December 5, 2024

*Remote Work: The Americans with Disabilities Act and Other Considerations*, Presenter, Idaho State Bar Employment & Labor Law Section, March 27, 2024 (in person and via Zoom)

*The Rule Against Hearsay and Hearsay Exclusions and Exceptions – Practical Tips*, Presentation at the Idaho Trial Lawyers Association, Spring Seminar, February 23, 2024, Boise, ID

*Idaho Evidence Round-Up: Differences Between Idaho and Federal Rules and Recent Idaho Judicial Decisions*, Presenter, Idaho State Bar Young Lawyers Section, January 16, 2024 (in person and via Zoom)

*Let's Get Critical: Critical Race Theory Bans in K-12 Schools*, Co-panelist, Education Law Association Webinar, November 9, 2023

*Recent Federal Court Employment and Retaliation Cases in K-12 Schools*, Concurrent Session Paper Presentation, 2023 Education Law Association Annual Conference, October 25-28, 2023, Reno, NV

*Common Mistakes that Lead to Employment Law Problems*, Co-Panelist, 2023 SHRM Employment Law Conference, September 15, 2023, Boise, ID

*Collective Bargaining in Idaho K-12 Schools*, Presenter, Idaho State Bar Employment & Labor Law Section, May 24, 2023 (in person and via Zoom)

*Tips for Dealing with the Bully Lawyer*, Moderator, at an Inns of Court monthly meeting, February 16, 2023, Boise, ID

*Covid-19 Equity Impacts on Schools*, Moderator, Education Law Section Presentation, Association of American Law Schools Annual Meeting, January 4-7, 2023, San Diego, CA

*Let's Get Critical: The Rights and Obligations of Teachers and School Districts under State Laws Limiting Discussion of Critical Race Theory in K-12 Classrooms*, Concurrent Session Paper Presentation, 2022 Education Law Association Annual Conference, November 2-5, 2022, Orlando, FL

*School Yard Disputes – Part II: Teachers' Rights*: Presentation at the Idaho Trial Lawyers Association Fall Seminar, October 21, 2022, McCall, ID

*Idaho Supreme Court Treatment of Claims for Wrongful Discharge in Contravention of Public Policy*, Presenter, 2022 Employment Law Seminar, Idaho State Bar Employment & Labor Law Section, October 19, 2022 (in person and via Webcast)

*School District Cases – Part I: Issue Spotting and Problem Solving*, Co-Presenter/Co-Panelist, Presentation at the Idaho Trial Lawyers Association Summer Seminar, June 25, 2022, Sun Valley, ID

*Evidentiary Issues in Idaho Legal Aid Society Cases*, Presenter, Idaho Legal Aid Society Attorney Conference, May 17, 2022, Boise, ID

*I Teach for Free and They Pay Me to Grade: Creating and Grading Exams*, Presenter, University of Idaho College of Law Teaching Retreat, March 25, 2022 (via Zoom)

*Open Forum Regarding Proposed Idaho State Bar Resolution 8.4 Concerning Discrimination or Harassment by Idaho Attorneys*, Moderator, Idaho Trial Lawyers Association, November 19, 2021 (via Zoom)

*Evidentiary Issues in Family Law*, Presenter, Idaho Family Law Fall Conference, Idaho State Bar Family Law Section, October 22-23, 2021, Ketchum, ID

*Disparate Treatment and Retaliation in K-12 Employment Discrimination Matters: The Supreme Court's Cat's Paw Discrimination Decision in Staub and Third-Party Retaliation Decision in Thompson Ten Years On*, Concurrent Session Paper Presentation, 2021 Education Law Association Annual Conference, October 20-23, 2021, San Antonio, TX

*Burden of Proof – The Jumping Off Place for Presenting and Defending the Employment Law Case*, Co-Presenter, Navigating Conflict in Difficult Times, District of Idaho Bench Bar Conference, October 15, 2021 (via Zoom)

*Resolving the Open Question in Bostock: Should (or will) the Supreme Court's Recognition of Sexual Orientation as a Protected Status under Title VII's Antidiscrimination Provisions Allow for an Exception based on Employer's Sincerely Held Religious Beliefs?* Presenter, Idaho State Bar Employment & Labor Law Section, September 22, 2021 (via Zoom)

*Essential Worker Law and Future Prospects for Organized Labor*, Moderator, Idaho Critical Legal Studies Journal Spring Symposium on the Future of Work in a Post-Pandemic America, April 16, 2021 (Live webcast)

*Protecting Faith, Preference and Identity in the Workplace*, Co-Presenter, Interfaith and LGBT Summit on Religious Liberty and Employment Nondiscrimination, March 12, 2021 (Live Webcast)

*2020 Headline News – Education Law During COVID-19*, Co-Presenter, Program Sponsored by the Idaho State Bar and Idaho Law Foundation, December 11, 2020 (Live Webcast)

*Families First Coronavirus Response Act & What Might Come Next*, Co-Presenter/Co-Panelist, Idaho State Bar Employment & Labor Law Section, November 25, 2020 (via Zoom)

*Public School Employment in the Time of the Pandemic – COVID-19's Effect on K-12 Teacher/Educator Rights and School District Obligations*, Concurrent Session Paper Presentation, 2020 Education Law Association Annual Conference, November 4-7, 2020 (via Zoom)

*David Ball Returns to Idaho: Reptile 2020*, Co-Presenter/Co-Panelist, Presentation at the Idaho Trial Lawyers Association Fall Forum, October 23, 2020 (via Zoom)

*United States Supreme Court Term Review*, Co-Presenter/Co-Panelist, University of Idaho Constitution Day Program, September 17, 2020 (via Zoom)

*Inside the Ybarra v. Legislature of State of Idaho and Idaho State Board of Education Case*, Co-Presenter/Co-Panelist, Panel discussion, Jointly Sponsored by the Fourth District Bar Association and Idaho State Bar Young Lawyers' Section, September 9, 2020 (via Zoom)

*Impeachment Past and Present*, Co-Presenter/Co-Panelist, Panel discussion, Jointly Sponsored by the American Constitution Society and the Federalist Society, University of Idaho College of Law, January 30, 2020

*Statewide and Local Teacher Strikes Since Spring 2018 – A Comparative Analysis*, Concurrent Session Paper Presentation, 2019 Education Law Association Annual Conference, November 13-15, 2019, Norfolk, VA

*Potpourri from the Faculty -- Civil Cases Decided by the Idaho Supreme Court in the Last Year (or so)*, Continuing Legal Education Presentation, Presenter, 2019 Idaho State Bar Annual Meeting, July 26, 2019, Boise, ID

*Admissibility of Opinion Evidence – Lay Witnesses and Experts*, Presentation at the Idaho Trial Lawyers Association, Spring Seminar, February 22, 2019, Boise, ID

*We Aren't Getting Any Younger -- Age Discrimination: School District Obligations and Teachers Rights*, Concurrent Session Paper Presentation, 2018 Education Law Association Annual Conference, November 7-10, 2018, Cleveland, OH

*United States Supreme Court Term Review and Preview*, Co-Presenter/Co-Panelist, University of Idaho Constitution Day Program, September 17, 2018, Boise and Moscow, ID

*Hot Topics & New Cases in 2017-2018*, Panelist, Martha McCarthy Education Law and Policy Institute, June 7, 2018, Indiana University, Bloomington, IN

*"If You Leave Me Now" ... The Family Medical Leave Act and K-12 Personnel*, Concurrent Session Paper Presentation, 2017 Education Law Association Annual Conference, November 9-11, 2017, San Diego, CA

*Selected Issues on Idaho Evidence Law*, Presentation at the Idaho Trial Lawyers Association, Fall Seminar, October 13, 2017, McCall, ID

*The Admissibility of Polygraph Evidence in Federal and State Courts in Idaho*, Presentation (as co-presenter on polygraph issues) at an Inns of Court monthly meeting, Spring 2017, Boise, ID

*Teacher and Other Political Speech in the K-12 Setting: Rights and Permissible Regulation*, Concurrent Session Paper Presentation, 2016 Education Law Association Annual Conference, November 3-5, 2016, Orlando, FL

*What Not to Wear ... or Do, Email, Tweet or Blog – The Questionable Off Duty Conduct Standards*, 2016 National Organization of Lawyers for Education Associations ("NOLEA") Annual Conference, October 8, 2016, Boston, MA

*Pregnancy Discrimination*, Co-presenter, 2016 Idaho Law Review Symposium on Equality in Employment, April 1, 2016, Boise, ID

*Overlapping Protections: An Analysis of Recent Issues and Trends Arising Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 in the K-12 Context*, Concurrent Session Paper Presentation, 2015 Education Law Association Annual Conference, November 5-7, 2015, Cleveland, OH

*Idaho Rules of Evidence: Selected Topics -- Recent Decisions Applying the Idaho Rules of Evidence*, 2015 Annual Idaho Judicial Conference, September 22, 2015, Boise, ID

*Employment and Labor Law Update – Pregnancy Discrimination Issues*, Continuing Legal Education Presentation, Co-presenter, 2015 Idaho State Bar Annual Meeting, July 22-24, 2015, Sun Valley, ID

*Duty of Loyalty and Key Employees*, Continuing Legal Education Panel discussion at Idaho State Bar's Business and Corporate Law Section luncheon, Winter 2015, Boise, ID

*Employment and Labor Law Issues in Charter Schools*, Concurrent Session Paper Presentation, 2014 Education Law Association Annual Conference, November 13-15, 2014, San Diego, CA

*Drug Recognition Evaluations and Modified Romberg Tests: A Primer on the Law*, Presentation as Co-Panelist at Inns of Court monthly meeting, Fall 2014, Lewiston, ID

*Business Law and Evidence*, Presentation at “Business Law Lessons from the Experts: What I Wish I’d Known as a New Attorney,” a Continuing Legal Education Event sponsored by the University of Idaho College of Law Business Law Association student organization, Spring 2014 Boise, ID

*Continued Union Winter or Spring Thaw?: An Analysis of Contemporaneous and Subsequent Political and Legal Responses to Anti-Teachers Union Legislation Enacted during 2011 State Legislative Sessions*, Concurrent Session Paper Presentation, 2013 Education Law Association Annual Conference, November 13-15, 2013, Denver, CO

*Rules of Evidence 101 – Recent Developments in Federal, Idaho and Other State Evidence Law*, Presentation at the Idaho Trial Lawyers Association, Tricks of the Trade Conference, February 22, 2013, Boise, ID

*Back to the Future: The In Loco Parentis Doctrine and Its Impact on Whether K-12 Schools and Teachers Owe a Fiduciary Duty to Students*, Concurrent Session Paper Presentation, 2012 Education Law Association Annual Conference, November 7-10, 2012, Hilton Head, SC

*The Latest on Employment Discrimination for Schools*, Concurrent Session Paper Presentation Co-Presenter, 2012 Education Law Association Annual Conference, November 9-12, 2011, Chicago, IL

*Union Winter: An Examination of the Assault on Teachers and Other Public Sector Labor Unions*, Presentation as part of lecture series sponsored by the College of Law’s American Constitution Society, Fall 2011

*The Code of Ethics for the Idaho Teaching Profession*, Presentation to University of Idaho College of Education Students at Seminar regarding Field Experience, Fall 2011

### **Videos:**

*Supreme Court Nominee Judge Kavanaugh and Federal Employment Law*, University of Idaho College of Law–Kavanaugh Project, video presentation, <https://vimeo.com/album/5363174/287119304>, Fall 2018

*Supreme Court Nominee Judge Gorsuch and Current Labor and Employment Law Issues*, University of Idaho College of Law—Gorsuch Project, video presentation, <https://vimeo.com/208751818>, Spring 2017

### **Workshops:**

Presented on sabbatical project topic, “The Idaho K-12 School Funding Litigation – Promises Made, Promises Broken,” University of Idaho College of Law Faculty Scholarship Retreat, April 20, 2019, McCall, Idaho

Presented on the topic “Misperception Theory in Employment Discrimination and Retaliation Cases,” University of Idaho College of Law Faculty Colloquium, January 28, 2019, in person (Boise) and via video (Moscow)

Presented an early draft of *Beyond Nexus: A Framework for Evaluating K-12 Teacher Off-Duty Conduct and Speech in Adverse Employment and Licensure Proceedings* and critiqued other presenters’ manuscripts at the Inland Northwest Scholars Conference, July 14, 2014, Spokane, WA (participated by video from Boise, ID)

Presented an early draft of *Toward an "Unqualified" Otherwise Qualified Standard: Job Prerequisites and Reasonable Accommodation under the Americans with Disabilities* and critiqued other presenters’ manuscripts at the inaugural Inland Northwest Journal Scholars Conference, July 24, 2013, Moscow, ID (participated by video from Boise, ID)

### **Grants:**

Burton Ellis Research Scholar (and other) Summer research grants  
Summer 2012, 2013, 2014, 2016, 2017 and 2018

University of Idaho College of Law

\$15,000 first two summers/\$11,000 third summer/\$12,000 fifth, sixth and seventh summers

Supervise University of Idaho College of Law students performing research assistance duties for University of Idaho McClure Center for Public Policy Research concerning Pre-school (Pre-K) Development Grant from U.S. Department of Health and Human Services and U.S. Department of Education, November 2020 – May 2021

Serve as the University of Idaho College of Law’s representative concerning an AFRI Competitive Grant entitled “Understanding and Supporting Women and Minority Entrepreneurship,” Project Director Paul Lewin, Associate Professor, University of Idaho Department of Agricultural Economics and Rural Sociology, June 2019 – Present

Serve as the University of Idaho College of Law’s representative concerning an AFRI Competitive Grant entitled “Research & Understanding: Rural Assistance for Latino Businesses,” Project Director Paul Lewin, Associate Professor, University of Idaho Department of Agricultural Economics and Rural Sociology, February 2016 – February 2022

### **SERVICE:**

#### **Major Committee Assignments:**

##### **University:**

Americans with Disabilities Act Advisory Committee, June 2023 – Present

University Level Promotion and Tenure Review Committee, November 2022 – May 2023

College of Law Dean Search Advisory Committee, March 2020 – May 2020  
 Multi-Campus Communications Committee (Alternate), August 2020 – May 2021  
 Faculty Compensation Task Force, October 2016 – May 2018  
 Campus Security Committee, March 2016 – May 2019  
 Student Appeals Committee (reconstituted as the Student Conduct Board), August 2016 – May 2019

**College of Law:**

Academic Hearing Board, Chair, June 2023 – Present  
 Strategic Planning, Dual Location Strategy Small Group, Chair, June 2023 – Present  
 Hiring Committee (Civil Procedure and Advanced Advocacy Position), August 2020 – July 2021  
 Library Committee, January 2020 – July 2020 and June 2023 – Present  
 Curriculum Committee, Member, August 2013 – May 2018; Chair, August 2016 – May 2018  
 Teaching Resources Subcommittee of the Curriculum Committee, September 2015 – July 2016  
 Moot Court Subcommittee of the Curriculum Committee, August 2018 – May 2019  
 Dean’s Advisory Committee, August 2016 – May 2018  
 Promotion and Tenure Standards Committee, Member, August 2013 – July 2014  
 Professionalism Committee, Member, August 2012 – July 2013  
 Diversity Committee, Member, August 2011- July 2012

Honor Court, Faculty Justice, August 2011 – July 2016 and August 2018 – July 2019  
 and Faculty Counsel for College Counsel, August 2020 – June 2023; Special Faculty Counsel for College Counsel, October 2023 -- Present  
 Hiring Committee (Intellectual Property and Contracts Position), August 2020 – July 2021

Faculty Resolution re College of Law Commitment to Anti-Racism and Inclusion, Proclamation Implementation Group (Chair) and Listening Session Implementation Group, July 2020 – July 2021

**Professional and Scholarly Organizations:**

Brigham Young University Education and Law Journal, Board of Editors, December 2022-December 2023

Education Law Section, Association of American Law Schools, Executive Committee member, January 2015-Present

Employment Discrimination Section, Association of American Law Schools, Executive Committee member, January 2021—January 2022

Education Law Association member, member during prior years, but most recently a member from Fall 2011 – Present; ELA Membership Committee, Law School Recruitment subcommittee, Fall 2017 – Present

American Bar Association member, September 2011 – Present  
American Inns of Court member, September 2013 – Present

University of Idaho Faculty Federation, American Federation of Teachers Local 3215 member, November 2016 – Present; President, May 2018 – July 2019

Idaho State Bar Employment and Labor Law Section, At-Large Governing Council member, August 2020 – Present

Idaho Trial Lawyers Association (ITLA) member, January 2017 – Present; Coordinator, ITLA Amicus Program, June 2021 – Present; Amicus Committee member, May 2019 – Present

### **General Service to College of Law:**

Participated as a faculty presenter during the College of Law's Orientation program for first year and other entering students, Fall 2011, 2012, 2013, 2014, 2017, 2018 and 2021

Served as member and/or Co-Coordinator (with Professor Maureen Laflin) of the College of Law's Litigation and Alternative Dispute Resolution emphasis area faculty, Fall 2011 – Spring 2017

Participated as a faculty member/presenter during the College of Law's Early Welcome program for first year students, Fall 2012, 2013 and 2014

Served as a co-moderator during panel discussion entitled "Extreme Disputes: Lawyers Managing Compensation Systems" conducted as part of the College of Law's Bellwood Lecture program, October 2012

Served as a judge in the College of Law's American Bar Association Law Student Division Intra-School Negotiation Competition, Spring 2012, 2013, 2014, 2015 and 2016

Served as a judge and/or mediator in the College of Law's American Bar Association Section of Dispute Resolution Representation in Mediation Team Intra-School Competition; also served as the mediator at scrimmages conducted by the College of Law's two teams prior to the regional competition, Fall and Spring 2012, 2013, 2014, 2016 and 2017

Served as a judge for multiple sessions of the College of Law's first year students' oral argument on their Legal Writing and Research appellate brief assignment, Spring 2011, 2012, 2013, 2014, 2018 and 2019

Served as a judge during a preliminary round of the College of Law's McNichols Moot Court Competition, Fall 2011, 2012, 2013, 2014, 2015, 2017, 2018 and 2014



Served as a judge during a practice round for the College of Law's National Moot court team, Spring 2011, 2012, 2013, 2014, 2015, 2016 and 2017 and Fall 2018 and 2023

Served as a juror during the College of Law's D. Craig Lewis Trial Expo, Fall 2011, 2012 and 2013

Served as a judge during the College of Law's Boise Trial Team's practice rounds, Fall 2015 and 2016

Served as a moderator/reactor at a presentation on the Second Amendment sponsored by the University of Idaho Federalist Society, Fall 2011

**General Service to the Idaho legal and other communities:**

Member of the Idaho Supreme Court's Evidence Rules Advisory Committee, Summer 2013-present

Member of the ISC's Evidence Rules Advisory Committee's Subcommittee for Restyling the Idaho Rules of Evidence, Fall 2015-Fall 2017

Served on an Idaho State Bar advisory committee which made recommendations concerning State Bar rules pertaining to Continuing Legal Education compliance, Summer and Fall 2012

Served as a judge of the Idaho State Bar Business and Corporate Law Section's Law Student Writing Competition, March 2019, April 2020, April 2021 and March 2024

Served as a hearing panel member in an arbitration involving grievances lodged by a Caldwell School District educator against the Caldwell School District, December 2018

Served as a Preliminary Round Judge, National Speech & Debate High School Tournament, National Speech & Debate Association, June 18-20, 2018, Fort Lauderdale, FA

Assisted high school students at Lake City High School in Coeur d'Alene, Idaho in preparing for mock trial competition in high school's Street Law class, Fall 2011

Member, Idaho Law Foundation, Idaho Volunteer Lawyers Program Policy Council, 1994-1995

Volunteer Attorney, Bar Association of San Francisco, Homeless Advocacy Project, 1991-1993

Arbitrator, Small Personal Injury and Commercial Cases, City and County of San Francisco Municipal Court, 1988-1993

Member of the Board of Directors of the Boise Blues Society, September 2018-April 2023

Member of the Extreme Team, a volunteer group charged with organizing fundraising events for the Interfaith Sanctuary, a non-profit organization providing shelter and support services for homeless individuals, Fall 2008-Summer 2019

**Honors and Awards:**

Section of the Year Award, awarded by the Idaho State Bar to the Employment and Labor Law Section, July 2023

Volunteer Group of the Decade Award, awarded by the Interfaith Sanctuary Board of Directors to the Extreme Team, August 2019 (for “years of support, creativity, commitment, long hours, hard work and loyalty to our shelter”)

**PROFESSIONAL DEVELOPMENT:**

**Teaching and Scholarship:**

Attended Association of American Law Schools Annual Meetings, January 2012, 2013, 2015, 2016, 2019, 2021,2023 and 2025

Attended Education Law Association Annual Meetings, November 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024

Attended Association of American Law Schools, Workshop for New Law School Teachers, Summer 1991 and Summer 2011